



## BOARD OF ZONING APPEALS

### Minutes of the Special Meeting

June 20, 2012

#### ATTENDANCE

A special meeting of the Zoning Board of Appeals was held on Wednesday, June 20, 2012, in the Fourth Floor Council Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. J. Seth; Mr. James Price; Mr. Sam Lowery; Mr. Jimmy Lowery; Mr. John Acken; Mr. Patrick Flaherty and the secretary were present. Ms. Sonya Davis; Ms. Betty Clark and Ms. Kay Stockbridge were absent. The meeting was called to order at 3:00 p.m. by Mr. J. Seth.

#### OLD BUSINESS

**BOA-12-28, 4330 Broad Street (County).** A brief discussion was held between Mr. Seth, Mr. Price, and Mr. McGregor as to how to proceed with this request since it was heard at the June 13, 2012, meeting with no action being taken due to a lack of a quorum. Mr. McGregor stated they could vote with the members present who were not in attendance at the last meeting abstaining or they could rehear the request and all members present could vote. A motion was made by Mr. Sam Lowery to reopen this request and allow all interested parties to speak and all present board members to vote. The motion was seconded by Mr. John Acken and carried a unanimous vote.

The request was presented by Mr. George McGregor. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 4330 Broad St. and is represented by Tax Map #155-02-01-011. Mr. Chip McMillian and Mr. Tony Ashy were present and spoke on behalf of the request. After some discussion, a motion was made by Mr. James Price to approve this request. The motion was seconded by Mr. Jimmy Lowery. Discussion continued between board members. The question was called and the motion carried a 3 in favor- Price, J. Lowery, Flaherty and 2 in opposition- Acken, S. Lowery vote. The request was approved.

<b>NEW BUSINESS</b>	<p><b>BOA-12-29, 1217-B &amp; 1219 Peach Orchard Road (County)</b> was presented by Mr. George McGregor. The board reviewed the applicant's request for Special Exception approval for an Electronic Gaming Establishment as required per Article 3, Section 3.i.4.j Electronic Gaming Establishments (SIC 7999), Article 3, Exhibit 5 and Article 5, Section 5.b.3.k Special Design Review Criteria. The property is located at 1217-B &amp; 1219 Peach Orchard Rd. and is represented by Tax Map #'s 132-00-02-028 &amp; 132-00-02-029. Mr. Buddy Ward, Mr. Chip McMillan, and Mr. Mike Ross were present and spoke on behalf of the request. Mr. Frank Furgess and Mr. Shelly Hardy, Jr. were present and spoke in opposition. After much discussion, a motion was made by Mr. James Price to accept staff recommendation and approve this request. The motion was seconded by Mr. Jimmy Lowery. Discussion continued between board members. The question was called and the motion carried a 4 in favor- Price, J. Lowery, S. Lowery, Flaherty and 1 in opposition- Acken vote.</p>
<b>OTHER BUSINESS</b>	<p>Mr. James Price stated he wanted to make a motion under Section 35 of Robert's Rules of Order to amend the action previously taken concerning application BOA-12-13, by Mr. Charles Ward, concerning 2860 Highway 15 South to find that the proposed use of the location is in substantial harmony with the surrounding area and to approve the application.</p> <p>A discussion was held between Mr. McGregor and Mr. Price. Mr. McGregor deferred to the Chair. Mr. J. Seth, who stated that this was considered an extraordinary motion and if it is timely, it will be accepted, but would like an Attorney present who is more familiar with Robert's Rules of Order and will consider it at the next meeting. He stated he would not accept the motion today, other than for timeliness.</p> <p>Discussion continued between board members.</p> <p>Mr. Patrick Flaherty stated he wanted to make a motion under Section 35 of Robert's Rules of Order to amend the action previously taken concerning application BOA-12-12, by Mr. Charles Ward, concerning 2250 Peach Orchard Rd. to find that the proposed use of the location is in substantial harmony with the surrounding area and to approve the application.</p>

	Mr. Seth stated that there were two motions before him and that he would not accept them at this time as he is not familiar enough with the Robert's Rules of Order. For the purposes of timeliness, he will consider them accepted and consider a ruling after consulting the County Attorney.
<b>ADJOURNMENT</b>	With no further business, a motion to adjourn was made by acclamation at approximately 4:05 p.m.  The next regularly scheduled meeting will be on July 11, 2012.
	Respectfully submitted,  <i>Julie A. Scarborough</i>  Julie A. Scarborough, Board Secretary